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Electronically Filed
SECOND CIRCUIT
2CPC-26-0000230
19-JUL-2026
11:22 PM
Dkt. 53 DOC

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KIRILL BASIN

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT
STATE OF HAWAII

STATE OF HAWAII,

Plaintiff,

vs.

KIRILL BASIN,

Defendant.

CASE NO. 2CPC-26-000230 (3)
2CPC-26-000240 (4)

DEFENDANT'S REPLY MEMORANDUM
IN SUPPORT OF MOTION TO MODIFY
BAIL CONDITIONS TO ALLOW
DEFENDANT TO LEAVE JURISDICTION
FOR IN-PATIENT TREATMENT;
CERTIFICATE OF SERVICE

HEARING: July 20, 2026 8:30 am
JUDGE: Hon. Annalisa M. Bernard Lee

DEFENDANT'S REPLY MEMORANDUM IN SUPPORT OF MOTION TO MODIFY
BAIL CONDITIONS TO ALLOW DEFENDANT TO LEAVE JURISDICTION
FOR IN-PATIENT TREATMENT

Mr. Basin asks this Court to modify his bail conditions so he can enter an accepted residential treatment bed for co-occurring substance and mental health treatment. The State's Opposition relies on the wrong statute governing when bail may be denied, grossly inflates a single encounter into an exaggerated allegation that is not based on the facts as stated in the police reports and evidence provided by the State, and treats a

possible mental health crisis as proof of “dangerousness” rather than as the reason treatment is needed.

I. THE STATE APPLIES THE WRONG LEGAL STANDARD.

The State’s Opposition is based primarily on HRS § 804-3. That statute governs when a court may deny bail. It permits denial only where the charge is for a “serious crime,” which the statute defines as “a class A or B felony.” Bail has already been set, granted, and posted in both cases. HRS § 804-3 does not apply here.

The governing standard is the one set out in the Motion. A defendant admitted to bail is entitled to release under “the least restrictive conditions required to ensure the defendant’s appearance and to protect the public.” HRS § 804-4(a). The court sets and modifies conditions “on an individualized basis.” Pelekai v. White, 75 Haw. 357, 366, 861 P.2d 1205, 1210 (1993). The purpose of bail “is not to punish the defendant . . . but to secure the presence of the defendant to answer the charges.” State v. Camara, 81 Hawai‘i 324, 332, 916 P.2d 1225, 1233 (1996). The question is not whether Mr. Basin should have bail. He has bail already, in the total amount of \$450,000.00, far in excess of what normal bail would be in these types of cases. The only question is whether a defined set of conditions can secure his appearance and address any concerns about “protecting the public” while he obtains treatment at a certified facility in Arizona. It absolutely can.

II. THE STATE MISCHARACTERIZES THE SUBJECT ALLEGATION.

The State describes Mr. Basin pulling “a tan and green colored handgun” and making “verbal threats about using the handgun on Wright,” with two other employees who “felt threatened for their lives.” State’s Opp. at 6-7. The police report, which contains the witnesses’ interviews, describes something much different.

As the investigating officer’s review of the surveillance recording states, a county employee got into a verbal argument with Mr. Basin while he tried to serve the employee with a lawsuit. A second county employee, Conklin Wright, then inserted himself into his argument. By his own account, Mr. Wright “felt that he needed to intervene,” “stepped in and confronted” Mr. Basin, and asked “[w]hat is your problem.” Mr. Wright started the confrontation with Mr. Basin.

Mr. Wright told the officer that after confronting Mr. Basin, he reached into his backpack, and lifted an object that looked like a firearm with “two fingers,” “muzzle down,” and appeared that he was “just trying to ‘flash’ it.” Mr. Wright stated plainly that Mr. Basin “did not point the firearm at Wright or [the other county employees] at any point,” and that Mr. Basin then placed the object back into his bag. When asked whether Mr. Basin said anything while removing it, Mr. Wright first answered that he “cannot recall” but then later stated that Mr. Basin may have said something to effect of “watch out” so “that I don’t get hurt.” Mr. Wright followed Mr. Basin to the elevator asking him if Mr. Basin said those words, and Mr. Basin replied, “yes, because I don’t want to use it on you” and told Mr. Wright to call the police. In addition, the object involved was not a

firearm. The object recovered by police was a pellet gun with a CO2 cartridge, which can be legally carried in the State of Hawaii.

A person who, after being aggressively confronted by someone, held a legal pellet gun with two fingers, with the muzzle down, never pointed it at anyone, said he did not want to use it, put it away, and told the witness to “call the cops” while trying to leave, is not the armed threat the State’s Opposition speciously describes.

III. THE JUNE 9, 2026 INCIDENT IS A REASON FOR TREATMENT, NOT A REASON TO DENY IT.

The State’s opposition notes that on June 9, 2026, Mr. Basin was admitted to the Maui Memorial Medical Center Behavioral Health Unit for a mental health evaluation. State’s Opp. at 7. The State says that “[f]or unknown reasons” he became agitated and kicked a nurse in this thigh, causing pain. Id. The reason is not unknown. Mr. Basin was in a psychiatric unit being evaluated for a possible mental health condition. His conduct during that evaluation reflects the very potential mental health issue for which he now seeks residential treatment. The State cannot use a possible mental health crisis as the ground for denying the treatment that would address it. The June 9, 2026 allegations show that appropriate treatment is needed, not that it should be withheld.

IV. THE PROPOSED CONDITIONS DEFEAT ANY FLIGHT CONCERN.

The State’s flight argument is pure speculation. First, Mr. Basin’s conduct is completely inconsistent with flight. He posted substantial bond in both cases. He retained counsel. He is asking this Court for permission to travel, offering to waive extradition in advance, and offering to surrender his passport. A defendant intent on

fleeing does not petition the court, waive extradition, and hand over his travel documents. He simply leaves. The Motion is evidence of an intent to comply, not to abscond.

Second, the extradition costs the State fears are eliminated by the conditions offered. Mr. Basin will execute and file a notarized waiver of extradition before departure. If he fails to return, the State will not litigate extradition in Arizona. His bond is not exonerated by the trip. He and his surety remain fully liable, and any unauthorized departure forfeits it.

Third, the State's "not a closed facility" argument is answered by the reporting conditions Mr. Basin is suggesting. Monument Recovery has accepted Mr. Basin and will immediately notify MISC any departure, early discharge, or noncompliance. Mr. Basin will check in with MISC and appear at all proceedings by Zoom. He cannot leave the program without this Court's permission. These conditions place him under closer supervision than ordinary pretrial release, not less.

Finally, the existence of a local program does not defeat the Motion. The State notes Aloha House, which is a drug treatment program, not a dual-diagnosis program. State's Opp. at 6. Monument Recovery has an available bed now, has accepted Mr. Basin, and offers the dual-diagnosis, trauma-informed program his clinical needs may require. The conditions offered neutralize the only concern the out-of-state location raises.

V. CONCLUSION.

For the foregoing reasons, Mr. Basin respectfully requests that the Court GRANT the Motion to modify bail conditions.

DATED: Wailuku, Maui, Hawai‘i, July 19, 2026.

/s/ Brandon M. Segal
BRANDON M. SEGAL
Attorney for Defendant
KIRILL BASIN

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CERTIFICATE OF SERVICE

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I hereby certify that a true and correct copy of the foregoing document will be served on counsel of record for the State of Hawaii, via electronic filing through the Judiciary Electronic Filing and Service System.

DATED: Wailuku, Maui, Hawai'i, July 19, 2026.

/s/ Brandon M. Segal
BRANDON M. SEGAL
Attorney for Defendant
KIRILL BASIN